

REMARKS

Applicants cancel claims 5-12. Claims 1-4 remain pending in the application.

Applicants amend claim 1 for clarification, and refer to Fig. 3 and its corresponding description in the specification—including page 17, line 12 to page 18, line 12 and page 19, line 17 to page 20, line 19—for an exemplary embodiment of and support for the claimed invention. No new matter has been added.

The Examiner objected to claims 5-8 under 37 CFR 1.75 as being substantial duplicates of claims 1-4; claims 9-10 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and claim 11 was rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements. Applicants cancel claims 5-12.

Claims 1-12 were rejected under 35 U.S.C. § 102(a) as being anticipated by European Patent Application No. EP 1,233,536 to Nishio et al. Applicants amend claim 1 in a good faith effort to clarify the invention as distinguished from the cited reference, and respectfully traverse the rejection.

The Examiner relied upon the description of switched demodulation in Nishio et al.; in particular, the estimation of spreading codes and the corresponding demodulation switching described in the cited portions of Nishio et al.—the “period” in which demodulation is switched to one of the RAKE and JD demodulation sections 2 and 3 described in Nishio et al.—as alleged disclosure of the claimed measurement period features.

Nishio et al., as cited and relied upon by the Examiner, fail to disclose,

“[a] communication device for performing wireless communication, comprising:
a measurement-period holding unit which holds for measurement of delay profiles values of a measurement period in

correspondence with values indicating one or a combination of a wireless condition or a service quality level;

a change recognition unit which recognizes a change in at least one of the wireless condition and the service quality level, and notifies a measurement-period acquisition unit of the change;

said measurement-period acquisition unit which acquires from said measurement-period holding unit a value of the measurement period corresponding to said change of which the measurement-period acquisition unit is notified by the change recognition unit, wherein said measurement-period acquisition unit acquires the measurement period that is necessary to maintain reception quality when plural radio signals having different spread codes are received and the delay profiles values are measured; and

a delay-profile measurement unit which repeats the measurement of the delay profiles with the measurement period determined by said value acquired by the said measurement-period acquisition unit during a time which is necessary and appropriate for the measurement,” as recited in claim 1. (Emphasis added)

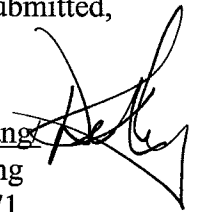
Accordingly, Applicants respectfully submit that claim 1, together with claims 2-4 dependent therefrom, is patentable over Nishio et al. for at least the above-stated reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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